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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 2 September 2015 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the comments of the Ministry of Foreign Affairs of the Republic of Abkhazia on the report of the Ministry of Foreign Affairs of Georgia on the human rights situation (see annex).

I should be grateful if these comments could be issued as a document of the sixty-ninth session of the General Assembly under agenda item 33.

(*Signed*) V. **Churkin**

15-15278 (E) 140915 160915

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Annex to the letter dated 2 September 2015 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Comments of the Ministry of Foreign Affairs of the Republic of Abkhazia on the report of the Ministry of Foreign Affairs of Georgia on the human rights situation

It is clear from reading the report of the Ministry of Foreign Affairs of Georgia on the human rights situation in the "occupied territories" (the term used by Georgia to refer to two independent States — the Republic of Abkhazia and the Republic of South Ossetia) that the report is intended to misinform the international community as to the real situation of human rights in the Republic of Abkhazia and the Republic of South Ossetia. The Georgian side, as announced, will prepare such reports on a quarterly basis for the Organization for Security and Cooperation in Europe (OSCE).

It is also strikingly evident that the Ministry of Foreign Affairs of Georgia is continuing its targeted policy of implanting in the consciousness of the international community the use of the term "occupied territories" to refer to the Republic of Abkhazia, in blatant contradiction to the actual political realities in the Republic, while pursuing the political goal of creating a negative image of both the Republic of Abkhazia and Russian-Abkhaz inter-State cooperation.

We wish to remind the Georgian side that the regime and legal provisions for a military occupation have been defined by the special international treaties adopted at the Second Hague Conference of 1907 and the Geneva Conventions of 1949 and the 1977 Protocols additional thereto. According to these international instruments, military occupation is the provisional holding of the territory of one State and the control of key government functions by the armed forces of another State. Such a territory is considered occupied when authority has in fact passed into the hands of the hostile army. Furthermore, the occupying army has the right to seize money, treasury funds and other State assets of the occupied territory.

None of the above-mentioned criteria are at all applicable to the real situation in the Republic of Abkhazia, and this is well known, not only to the Ministry of Foreign Affairs of Georgia, but also to the international community. Most regrettably, the Georgian side continues to make extensive use of this kind of propaganda and confusion of terms in order to tarnish the image of Abkhazia.

Another blatant fabrication included in this report from the Ministry of Foreign Affairs of Georgia is the deliberately inflated figure of about 430,000 for the number of refugees from Abkhazia.

According to 1989 census data, the population of Abkhazia was then 525,000 and included 240,000 ethnic Georgians. The number of people who have fled Abkhazia as a result of the conflict clearly cannot exceed that figure. In addition, some 60,000 people have been returned unilaterally by the Abkhaz side to the Gali district of Abkhazia. This is perhaps the only example in modern international practice of such a large-scale return of refugees to a zone of unresolved inter-ethnic conflict. Accordingly, the refugee count of 430,000 is false.

Much of the report of the Ministry of Foreign Affairs of Georgia addresses the crossing of the Inguri River, and also cases of citizens detained for violating the regulations governing the crossing of the State border.

In that regard, it is surprising that the Ministry of Foreign Affairs of Georgia refers in its report to data provided by the so-called Department of Justice of the Autonomous Republic of Abkhazia. It should be recalled that this body, which has no legitimacy and is a heavy burden on the Georgian budget, is used by the Georgian side exclusively for propaganda purposes. Moreover, the findings of this body, which is an interested party, cannot be considered a source of objective and reliable information.

In general, the examples of human rights violations referred to in the report of the Ministry of Foreign Affairs of Georgia, including those alleged to have occurred in the Gali district of the Republic of Abkhazia, are false and misleading.

As for the procedure for crossing the Georgian-Abkhaz State border at the Inguri River, it has been greatly simplified for Gali district residents. On the Abkhaz side, there are five crossing points that operate for 12 hours per day (the Inguri, Saberio/Papanrkhua, Tagiloni/Taglan, Nabakevi/Nabakia and Otobaia crossing points) and are used by tens of thousands of people every month.

The leadership of the Republic of Abkhazia is making efforts to streamline the procedure for crossing the Georgian-Abkhaz State border. According to Cabinet of Ministers Decision No. 125 of 25 September 2012 on the provisional list of documents entitling the holder to enter and exit from the Republic of Abkhazia across the State border of the Republic of Abkhazia with Georgia, Gali district residents may cross the border even with the passport of a citizen of the Union of Soviet Socialist Republics. All these facts make it quite clear that Gali district residents have no problems in crossing the State border with Georgia.

As for the Russian border guards, they are in Abkhazia in accordance with the 30 April 2009 Agreement between the Republic of Abkhazia and the Russian Federation on joint efforts in protection of the State border of the Republic of Abkhazia.

In that context, I wish once again to draw the attention of the international community to the blatantly coordinated and discriminatory visa policy of the European Union and Georgia, which is designed to bring about international isolation of the citizens of the Republic of Abkhazia. This policy, which has been implemented by the Georgian authorities with the support of their partners in European Union countries, contravenes all existing norms of international human rights law. These actions not only violate the human right to freedom of movement, but are also contrary to fundamental international principles, including freedom of access to education, skilled health care, cultural and athletic activities, and many others.

One central thread in the text of the Ministry of Foreign Affairs of Georgia is the notion that, allegedly, there is no conflict between Abkhazia and Georgia, but the parties in conflict are Georgia and Russia, a false notion that Georgian politicians are deliberately trying to inculcate into international public discourse in an attempt to relieve Georgia of responsibility for unleashing the bloody events in Abkhazia and South Ossetia and the numerous civilian casualties.

We believe that the report of the Ministry of Foreign Affairs of Georgia does not reflect current realities, is extremely biased and is intended to mislead the international community. This politicized document is contrary to the spirit of the Geneva discussions and may be detrimental to the long-standing efforts made by the parties and the international mediators to resolve the conflict.